

1 BARBARA J. PARKER, City Attorney, SBN 069722  
2 OTIS McGEE, JR., Chief Assistant City Attorney, SBN 071885  
2 RYAN G. RICHARDSON, Special Counsel, SBN 223548  
3 KIMBERLY A. BLISS, Supervising Deputy City Attorney, SBN 207857  
3 JAMILAH A. JEFFERSON, Senior Deputy City Attorney, SBN 219027  
4 One Frank H. Ogawa Plaza, 6th Floor  
4 Oakland, California 94612  
5 Telephone: (510) 238-7686; Facsimile: (510) 238-6500  
5 Email: [jjefferson@oaklandcityattorney.org](mailto:jjefferson@oaklandcityattorney.org)  
R20752/2557852

6 Attorneys for Defendant CITY OF OAKLAND  
7

7 JOHN L. BURRIS, STATE BAR NO. 69888  
8 Law Offices of John L. Burris  
9 Airport Corporate Centre  
9 7677 Oakport Road, Ste. 1120  
10 Oakland, California 94621  
10 Telephone: (510) 839-5200; Facsimile: (510) 839-3882

11 JAMES B. CHANIN, STATE BAR NO. 76043  
11 Law Offices of James B. Chanin  
12 3050 Shattuck Avenue  
12 Berkeley, California 94705  
13 Telephone: (510) 848-4752; Facsimile: (510) 848-5819

14 Attorneys for PLAINTIFFS

15 *(Additional Counsel on Next Page)*

16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 DELPHINE ALLEN, et al.,

19 **Case No. C 00-4599 WHO**

20 Plaintiffs,

21 **STIPULATION AND [PROPOSED]**  
**ORDER TO CONTINUE STATUS**  
**CONFERENCE**

v.

22 CITY OF OAKLAND, et al.,

23 Date: September 28, 2018

23 Time: 3:00 p.m.

24 Courtroom 2 – 17th Floor

25 Defendants.

26 The Honorable William H. Orrick

1 ROCKNE A. LUCIA, STATE BAR NO. 109349  
2 Rains Lucia Stern St. Phalle & Silver  
2 Attorneys & Counselors at Law  
2 2300 Contra Costa Boulevard, Suite 230  
3 Pleasant Hill, CA 94523  
4 Tel: 925-609-1699  
4 Fax: 925-609-1690  
4 Attorneys for OAKLAND POLICE OFFICERS ASSOCIATION

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## I. INTRODUCTION/BACKGROUND

2 The next Case Management Conference in this case is currently set for Friday, September  
3 28, 2018, with the parties' Joint Case Management Conference Statement and the City's combined  
4 Status Reports (Retaliation/Arbitration/Swanson Recommendations) due on September 21, 2018.

5 The parties (and, in particular, the City) are aware of the Court's indication via a recently-  
6 issued Court Order that it intends to hold the September 28, 2018 Further Case Status Conference  
7 and "will be keenly focused on what tasks from the NSA are still outstanding, why that is, and who  
8 the individuals are who are currently responsible for those tasks."

9        Unfortunately, starting on September 10, 2018, lead counsel for the City, Ms. Kimberly  
10      Bliss, suffered several medical conditions that had her out of the office and unable to work for a full  
11      week. The preparation of the joint Case Management Conference statement is generally a two-  
12      week process that involves meeting and conferring with Plaintiffs' counsel and counsel for the  
13      OPOA, scheduling several meetings to gather the necessary (and most up-to-date) information from  
14      OPD and the City's Department of Information Technology regarding the status of the NSA tasks  
15      and related projects (such as implementation of PRIME and the Stanford recommendations),  
16      drafting the statements, and providing all necessary Department and City officials the chance to  
17      review the statement before its filing. Although Ms. Bliss has returned to work, she likely will not  
18      be working at full capacity for another week or two.<sup>1</sup>

19 Given the City's strong desire to ensure that the Case Management Conference statement is  
20 sufficiently detailed and helpful to the Court, counsel for the City asked the other parties to  
21 stipulate—with the Court's approval—to a short continuance of the CMC to accommodate Ms.  
22 Bliss's medical issues. Counsel for Plaintiffs and the OPOA do not object to the City's request.

23 Accordingly, the parties met and conferred regarding available dates, focusing on the dates  
24 in October and November 2018 during which the Independent Monitoring Team is already

<sup>1</sup> If the Court desires more specific information regarding Ms. Bliss's medical condition in evaluating this request, the City respectfully requests that she be allowed to submit that information to the Court confidentially via email.

1 scheduled to visit the Department for its monthly site visits. Of those dates, the parties are all  
2 available on October 30, November 27, and November 28.

3 The City apologizes for any inconvenience this request has caused the parties, the IMT and  
4 the Court, but is certain that a continuance will ensure that the City can better provide the Court all  
5 the information necessary to evaluate the current status of the City's NSA compliance efforts.

6 The City will also be mindful of the Court's indication that it may direct persons responsible  
7 for NSA task implementation to be present at the Further Case Status Conference to answer  
8 questions.

## STIPULATION

10 The parties STIPULATE (subject to the Court's approval) to continue the Case Management  
11 Conference currently set for September 28, 2018 at 3:00 p.m. to one of the following dates:  
12 October 30<sup>th</sup>, November 27<sup>th</sup>, or November 28<sup>th</sup>. If the Court sets the Conference for the last week  
13 of November, the parties intend to file the Case Management Conference statement and the City's  
14 combined status reports early – on November 16<sup>th</sup> – in order to give the Court sufficient time to  
15 review the statement in light of the intervening Thanksgiving holiday week.

17 Dated: September 18, 2018 BARBARA J. PARKER, City Attorney  
18 OTIS McGEE, JR., Chief Assistant City Attorney  
19 RYAN G. RICHARDSON, Special Counsel  
KIMBERLY A. BLISS, Supervising Deputy City Attorney  
JAMILAH A. JEFFERSON, Senior Deputy City Attorney

By: /s/ Kimberly A. Bliss  
Attorneys for Defendants  
CITY OF OAKLAND, et al

23 Dated: September 18, 2018 JOHN L. BURRIS  
Law Offices of John L. Burris

By: /s/ John L. Burris  
Attorney for Plaintiffs

1 Dated: September 18, 2018 JAMES B. CHANIN  
2 Law Offices of James B. Chanin  
3 By: /s/ James B. Chanin  
4 Attorney for Plaintiffs  
5 Dated: September 18, 2018 ROCKNE A. LUCIA, JR.  
6 Rains Lucia Stern St. Phalle & Silver  
7 By: /s/ Rockne A. Lucia, Jr.  
8 Attorney for Intervenor  
9 OAKLAND POLICE OFFICERS ASSOCIATION  
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**[PROPOSED] ORDER ON NEXT PAGE**

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## [PROPOSED] ORDER

Pursuant to the parties' stipulation, and good cause appearing, the Court hereby continues the Case Management Conference currently set for September 28, 2018 at 3:00 p.m. to \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. The parties' Case Management Conference Statement and the City's Combined Status Reports (Retaliation/Arbitration/Swanson Recommendations) shall be filed on or before \_\_\_\_\_.

8 | Dated:

HON. WILLIAM H. ORRICK  
UNITED STATES DISTRICT JUDGE